

Adopted	Rejected
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## COMMITTEE REPORT

YES:	6
NO:	4

### MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law and to make an appropriation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JANUARY 1, 2003 (RETROACTIVE)]:
- 8 **Chapter 21.3. Payments in Lieu of Property Taxes**
- 9 **Sec. 1. As used in this chapter, "PILOT" refers to a payment in**
- 10 **lieu of taxes.**
- 11 **Sec. 2. The auditor of state shall make a PILOT on May 1 and**
- 12 **November 1 of each year with respect to land that:**
- 13 **(1) was owned by or leased by the department of natural**
- 14 **resources on March 1 of the previous year; and**

1           (2) is exempt from property taxes.

2           **Sec. 3. The PILOT paid under section 2 of this chapter is the**  
 3 **following amount for each acre of land owned by or leased by the**  
 4 **department of natural resources on March 1 of the previous year:**

5           (1) Two dollars (\$2) in a county in which the department  
 6 owned or leased less than five percent (5%) of the acreage in  
 7 the county on March 1 of the previous year.

8           (2) Three dollars (\$3) in a county not referred to in  
 9 subdivision (1).

10          **Sec. 4. (a) A PILOT:**

11           (1) is billed;

12           (2) is due;

13           (3) bears interest if unpaid;

14           (4) is subject to penalty if unpaid; and

15           (5) is distributed to political subdivisions within a county;

16 **in the same manner as ad valorem taxes on property.**

17          **(b) A PILOT:**

18           (1) is not eligible for the property tax replacement credit  
 19 under IC 6-1.1-21; and

20           (2) except as provided in subsection (a), is not treated as a  
 21 property tax for purposes of other procedural and substantive  
 22 provisions of law.

23          **Sec. 5. Not later than April 1 of each year, the state land office**  
 24 **division established by IC 4-20.5-2-1 shall provide the auditor of**  
 25 **state with a report of:**

26           (1) for each county, the location of land described in section  
 27 2 of this chapter; and

28           (2) the acreage of the land identified under subdivision (1).

29          **Sec. 6. (a) The PILOT transfer account within the state general**  
 30 **fund is established to make PILOTS under section 2 of this**  
 31 **chapter. The auditor of state shall administer the account.**

32           (b) Expenses of administering the account are to be paid from  
 33 money in the account.

34           (c) There is annually appropriated from the state general fund  
 35 to the PILOT transfer account the amount necessary to make the  
 36 PILOTS required by this chapter.

37          SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: **Sec. 48.5. "Daily newspaper", for purposes of IC 13-20-24, means a newspaper that:**

- (1) has a circulation of at least twelve thousand five hundred (12,500); and**
- (2) publishes at least five (5) issues each week.**

SECTION 3. IC 13-11-2-242, AS AMENDED BY P.L.225-2001, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 242. "Unit", for purposes of:

- (1) section 148(c) of this chapter;
- (2) IC 13-20-17.5;
- (3) IC 13-20-20; ~~and~~
- (4) IC 13-21-3-12; and**
- (5) IC 13-23;**

has the meaning set forth in IC 36-1-2-23.

SECTION 4. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

#### **Chapter 24. Newspaper Fee**

##### **Sec. 1. A:**

- (1) publisher of a daily newspaper published in Indiana shall pay a fee of two dollars (\$2) for each metric ton of paper used by the publisher to publish the daily newspaper; and**
- (2) distributor of a daily newspaper published outside Indiana and distributed in Indiana shall pay a fee of one cent (\$0.01) for each newspaper distributed in Indiana by the distributor; as provided in section 2 of this chapter.**

**Sec. 2. A publisher or distributor shall pay the fee described in section 1 of this chapter:**

- (1) to the treasurer of state; and**
- (2) before the fifteenth day of each month:**
  - (A) for each metric ton of paper used by the publisher as described in section 1(1) of this chapter; or**
  - (B) for each newspaper distributed by the distributor in Indiana as described in section 1(2) of this chapter; during the preceding month.**

**Sec. 3. The treasurer of state shall distribute the fees collected under section 2 of this chapter before the last day of each month as follows:**

**(1) Before July 1, 2008, fifty percent (50%) of the fees shall be deposited in the clean water Indiana fund established by IC 14-32-8-6. After June 30, 2008, ninety-five percent (95%) of the fees shall be deposited in the clean water Indiana fund established by IC 14-32-8-6.**

**(2) Before July 1, 2008, forty-five percent (45%) of the fees shall be deposited in the PILOT transfer account within the state general fund under IC 6-1.1-21.3-6.**

**(3) Five percent (5%) of the fees shall be distributed to the department of 4-H and youth development of the Purdue University cooperative extension service to provide scholarships:**

**(A) to persons who have been members of 4-H clubs for at least ten (10) years; and**

**(B) based upon a person's:**

**(i) achievements involving 4-H activities; and**

**(ii) financial need.**

**The director of the Purdue University cooperative extension service shall adopt rules under IC 4-22-2 to implement this subdivision.**

**Sec. 4. The department of state revenue may audit the publisher of a daily newspaper published in Indiana as described in section 1(1) of this chapter to determine if the publisher is in compliance with this chapter.**

SECTION 5. IC 13-21-3-12, AS AMENDED BY P.L.178-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste

1 management.

2 (6) The power to enter with any person into a contract or an  
3 agreement that is necessary or incidental to the management of  
4 solid waste. Contracts or agreements that may be entered into  
5 under this subdivision include those for the following:

6 (A) The design, construction, operation, financing, ownership,  
7 or maintenance of facilities by the district or any other person.

8 (B) The managing or disposal of solid waste.

9 (C) The sale or other disposition of materials or products  
10 generated by a facility.

11 Notwithstanding any other statute, the maximum term of a  
12 contract or an agreement described in this subdivision may not  
13 exceed forty (40) years.

14 (7) The power to enter into agreements for the leasing of facilities  
15 in accordance with IC 36-1-10 or IC 36-9-30.

16 (8) The power to purchase, lease, or otherwise acquire real or  
17 personal property for the management or disposal of solid waste.

18 (9) The power to sell or lease any facility or part of a facility to  
19 any person.

20 (10) The power to make and contract for plans, surveys, studies,  
21 and investigations necessary for the management or disposal of  
22 solid waste.

23 (11) The power to enter upon property to make surveys,  
24 soundings, borings, and examinations.

25 (12) The power to:

26 (A) accept gifts, grants, loans of money, other property, or  
27 services from any source, public or private; and

28 (B) comply with the terms of the gift, grant, or loan.

29 (13) The power to levy a tax within the district to pay costs of  
30 operation in connection with solid waste management, subject to  
31 the following:

32 (A) Regular budget and tax levy procedures.

33 (B) Section 16 of this chapter.

34 However, except as provided in sections 15 and 15.5 of this  
35 chapter, a property tax rate imposed under this article may not  
36 exceed eight and thirty-three hundredths cents (\$0.0833) on each  
37 one hundred dollars (\$100) of assessed valuation of property in  
38 the district.

- 1 (14) The power to borrow in anticipation of taxes.
- 2 (15) The power to hire the personnel necessary for the
- 3 management or disposal of solid waste in accordance with an
- 4 approved budget and to contract for professional services.
- 5 (16) The power to otherwise do all things necessary for the:
- 6 (A) reduction, management, and disposal of solid waste; and
- 7 (B) recovery of waste products from the solid waste stream;
- 8 if the primary purpose of activities undertaken under this
- 9 subdivision is to carry out the provisions of this article.
- 10 (17) The power to adopt resolutions that have the force of law.
- 11 However, a resolution is not effective in a **municipality unit**
- 12 unless the **municipality unit** adopts the language of the resolution
- 13 by ordinance or resolution.
- 14 (18) The power to do the following:
- 15 (A) Implement a household hazardous waste and conditionally
- 16 exempt small quantity generator (as described in 40 CFR
- 17 261.5(a)) collection and disposal project.
- 18 (B) Apply for a household hazardous waste collection and
- 19 disposal project grant under IC 13-20-20 and carry out all
- 20 commitments contained in a grant application.
- 21 (C) Establish and maintain a program of self-insurance for a
- 22 household hazardous waste and conditionally exempt small
- 23 quantity generator (as described in 40 CFR 261.5(a))
- 24 collection and disposal project, so that at the end of the
- 25 district's fiscal year the unused and unencumbered balance of
- 26 appropriated money reverts to the district's general fund only
- 27 if the district's board specifically provides by resolution to
- 28 discontinue the self-insurance fund.
- 29 (D) Apply for a household hazardous waste project grant as
- 30 described in IC 13-20-22-2 and carry out all commitments
- 31 contained in a grant application.
- 32 (19) The power to enter into an interlocal cooperation agreement
- 33 under IC 36-1-7 to obtain:
- 34 (A) fiscal;
- 35 (B) administrative;
- 36 (C) managerial; or
- 37 (D) operational;
- 38 services from a county or municipality.

- 1 (20) The power to compensate advisory committee members for  
2 attending meetings at a rate determined by the board.
- 3 (21) The power to reimburse board and advisory committee  
4 members for travel and related expenses at a rate determined by  
5 the board.
- 6 (22) In a joint district, the power to pay a fee from district money  
7 to the counties in the district in which a final disposal facility is  
8 located.
- 9 (23) The power to make grants or loans of:
- 10 (A) money;  
11 (B) property; or  
12 (C) services;  
13 to public or private recycling programs, composting programs, or  
14 any other programs that reuse any component of the waste stream  
15 as a material component of another product, if the primary  
16 purpose of activities undertaken under this subdivision is to carry  
17 out the provisions of this article.
- 18 (24) The power to establish by resolution a nonreverting capital  
19 fund. A district's board may appropriate money in the fund for:
- 20 (A) equipping;  
21 (B) expanding;  
22 (C) modifying; or  
23 (D) remodeling;  
24 an existing facility. Expenditures from a capital fund established  
25 under this subdivision must further the goals and objectives  
26 contained in a district's solid waste management plan. Not more  
27 than five percent (5%) of the district's total annual budget for the  
28 year may be transferred to the capital fund that year. The balance  
29 in the capital fund may not exceed twenty-five percent (25%) of  
30 the district's total annual budget. If a district's board determines  
31 by resolution that a part of a capital fund will not be needed to  
32 further the goals and objectives contained in the district's solid  
33 waste management plan, that part of the capital fund may be  
34 transferred to the district's general fund, to be used to offset  
35 tipping fees, property tax revenues, or both tipping fees and  
36 property tax revenues.
- 37 (25) The power to conduct promotional or educational programs  
38 that include giving awards and incentives that further the district's

- 1 solid waste management plan.
- 2 (26) The power to conduct educational programs under
- 3 IC 13-20-17.5 to provide information to the public concerning:
- 4 (A) the reuse and recycling of mercury in:
- 5 (i) mercury commodities; and
- 6 (ii) mercury-added products; and
- 7 (B) collection programs available to the public for:
- 8 (i) mercury commodities; and
- 9 (ii) mercury-added products.
- 10 (27) The power to implement mercury collection programs under
- 11 IC 13-20-17.5 for the public and small businesses.
- 12 SECTION 6. IC 14-32-8-6, AS ADDED BY P.L.160-1999,
- 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2003]: Sec. 6. (a) The clean water Indiana fund is established
- 15 to carry out the purposes of this chapter. The fund shall be
- 16 administered by the division of soil conservation subject to the
- 17 direction of the board.
- 18 (b) The fund consists of **the following:**
- 19 (1) Amounts appropriated by the general assembly. ~~and~~
- 20 (2) **Deposits of newspaper fees made by the treasurer of state**
- 21 **under IC 13-20-24-3(1).**
- 22 (3) Donations, grants, and money received from any other source.
- 23 (c) The expenses of administering the fund shall be paid from
- 24 money in the fund.
- 25 (d) Money in the fund at the end of a state fiscal year does not revert
- 26 to the state general fund.
- 27 SECTION 7. [EFFECTIVE UPON PASSAGE] (a)
- 28 **Notwithstanding IC 6-1.1-21.3-5, as added by this act, the state**
- 29 **land office division shall provide to the auditor of state the**
- 30 **information required under IC 6-1.1-21.3-6, as added by this act,**
- 31 **not later than July 1, 2003.**
- 32 (b) **The auditor of state shall make the first PILOT (as defined**
- 33 **in IC 6-1.1-21.3-1, as added by this act) under IC 6-1.1-21.3-2, as**
- 34 **added by this act, on May 1, 2004.**
- 35 (c) **This SECTION expires December 31, 2004.**
- 36 SECTION 8. **An emergency is declared for this act.**
- (Reference is to SB 208 as reprinted February 12, 2003.)



**and when so amended that said bill do pass.**

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Representative Bottorff